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U.S. Customs and Border Protection
via FOIA Online

To Whom It May Concern:

On July 2, 2019, the Department of Homeland Security's Office of Inspector General published "Management Alert – DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley."¹ That report contains the following sentence (emphasis added):

In addition to the overcrowding we observed, **Border Patrol's custody data** indicates that 826 (31 percent) of the 2,669 children at these facilities had been held longer than the 72 hours generally permitted under the TEDS standards and the Flores Agreement.

The FOIA request, detailed below, pertains to **any and all databases containing records on which the calculation in the above sentence are based.**

Request Part 1: Database

- **Records:** Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552 et seq., we request a **full and up-to-date copy** of the database(s) referenced above custody database. Note: We are requesting the database records themselves — not summary reports of the data. All columns containing A-file information can be pre-emptively removed and/or redacted.
- **Timeframe:** We request a full and up-to-date copy of the database, containing all records in the database at the time the search for records is conducted.

¹ https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19_.pdf

- **Format:** We request that all database records be provided in their native format and/or a standard database/spreadsheet format (e.g., SQL, CSV, XML, etc.) and **specifically not** printed out, or converted to PDF files, or otherwise processed in a manner that would decrease the quality, quantity, or accessibility of the original information the records represent.
- **Structure:** We request that all database records be provided in their native structure. That is: If the records are stored in several separate tables in the database, we request that those tables be provided individually, and not “joined” into a single table.
- **Redactions:** If CBP determines that **any fields** in the requested database are exempt from disclosure, we ask that you **explicitly justify**² the exemption (citing the relevant FOIA statutes, and how they apply), withhold **only** those fields, and release **all other** segregable parts. As noted above, all columns containing A-file information can be pre-emptively removed and/or redacted.
- **Resolving questions:** If any of the above poses foreseeable problems, we ask that you contact us via phone or email. We are proficient with databases, and would happily discuss ways to make fulfilling this request as expedient as possible.

Request Part 2: Database Documentation

- **Records:** Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552 et seq., We request all **records documenting the structure and proper use of the aforementioned database**. These records should include (but necessarily be limited to):
 - Internal user manuals (i.e., records instructing staff how to use the database)
 - Glossaries and data dictionaries (i.e., records defining the meaning of tables, columns, variables, and other aspects of the database)
 - Record layouts and database schemas (i.e., records defining the *structure* of the database’s various parts)
 - Entity relationship diagrams (i.e., records describing the *relationships between* the database’s various parts)
- **Timeframe:** We request all relevant records **actively used** by CBP, **as well as** all relevant records **created or modified** between January 1, 2010 and the date the search for records is conducted.
- **Format:** We request that all documentation records be provided in their native format, and not processed — aside from statutorily-justified redactions — in a manner that would decrease the quality, quantity, or accessibility of the original information the records represent.

² Under the FOIA Improvement Act of 2016, agencies may withhold information “only if . . . disclosure would harm an interest protected by an exemption” or if “disclosure is prohibited by law.” If CBP withholds any of these records, we request, as required by the FOIA statute, that you identify the reasonably foreseeable harm that would result from the release of the records.

- **Redactions:** If CBP determines that **any parts** of the requested records are exempt from disclosure, we ask that you **explicitly justify**³ the exemption (citing the relevant FOIA statutes, and how they apply), redact **only** those parts, and release **all other** segregable parts.
- **Resolving questions:** If you require clarification of any of the document types we have described, we ask that you contact us via phone or email. We would be happy to clarify.

The Requestor

We seek these records on behalf of BuzzFeed News. We request to be categorized as representatives of the news media, per 5 U.S.C. § 552(a)(4)(A)(ii). We are reporters for BuzzFeed News and formerly of the Wall Street Journal and the Los Angeles Times (respectively). The requested records will inform our reporting and we intend to use these records in our capacity as reporters.

Request for Expedited Processing and Fee Waiver

Under 28 C.F.R. 16.5(d)(1)(iv), a request is to be given expedited processing when it involves “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” Accordingly, we are seeking expedited treatment for this request.

This request involves a matter of undisputedly widespread and exceptional media and public interest, as evidenced by the fact that overcrowding in CBP detention facilities has been the subject of ubiquitous, daily coverage in recent weeks, as well as by the issuance of the above-referenced Inspector General report.

Further, we request that any fees be waived because disclosure of the responsive records, as demonstrated above, “is in the public interest” as “it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” (5 U.S.C. § 552(a)(4)(A)(iii)).

As we are making this request as journalists and this information is of timely value, we would appreciate you communicating with us by telephone or electronic mail — listed above — rather than by postal mail.

We look forward to your reply within 10 calendar days, as the statute requires. Please let us know if there are any clarifications we can make to make this request easier and/or quicker to complete.

Sincerely,
Jeremy Singer-Vine and Adolfo Flores

³ Per above, if CBP withholds or redacts any of these records, we request that you identify the reasonably foreseeable harm that would result from the release of the withheld parts.